

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA,	:	
	:	
v.	:	3:18-CR-97
	:	(JUDGE MARIANI)
ROSS ROGGIO,	:	
ROGGIO CONSULTING, LLC	:	
	:	
Defendants.	:	

ORDER

The background of this Order is as follows:

On March 20, 2018, a thirty-seven count Indictment related to weapons exportation was filed against Defendants. (Doc. 1). Defendant Roggio appeared for his Initial Appearance and Arraignment on March 23, 2018 before Magistrate Judge Mehalchick. This Court thereafter issued a Pretrial Scheduling Order directing any pretrial motions to be filed no later than April 24, 2018. (Doc. 12). After six extensions of the established pretrial motion deadline at the request of Defendants, on March 29, 2019, Defendant Roggio, through his counsel at the Federal Defender's Office, filed a Motion to Suppress Evidence (Doc. 46) and a Motion for Early Disclosure of *Jencks* Act Material (Doc. 48). On June 15, 2020, Defendant's new CJA counsel filed a "Motion to Suppress Roggio's Statement and Related Evidence" (Doc. 64). On May 27, 2021, the Court held a suppression hearing to address Defendant's pending motions to suppress. Following post-hearing briefing by the

parties, on November 2, 2021, this Court denied each of Defendant's motions (see Docs. 112-115) and scheduled trial in this matter to commence on January 10, 2022 (Doc. 116).

Following two motions for a continuance of the trial by Defendant, trial was scheduled to begin on June 27, 2022. (See Doc. 121). However, on February 15, 2022, the Government filed a Superseding Indictment, consisting of thirty-nine counts. (Doc. 122). The Government thereafter filed a joint motion to continue trial on June 3, 2022. (Doc. 149). The Motion stated that the parties jointly requested that the Court continue trial "for a specially-set trial date in January 2023 or thereafter" and asserted that a "specially-set, firm trial date is needed so that [the] foreign witnesses can plan their schedules and the government can make the arrangements necessary for these witnesses to travel to the United States." (*Id.*). This Court granted the joint motion and trial is currently scheduled to commence on February 6, 2023. (Doc. 150).

On August 9 and 10, 2022, Attorneys Matthew Comerford, Curt M. Parkins, and Jason A. Shrive each entered their appearance as privately retained counsel for the defendants. (Docs. 151, 152, 153).

Defendants' present counsel, on August 15, 2022, filed a Motion for Leave to File Pretrial Motions, requesting "sixty days to review discovery and file pretrial motions." (Doc. 154). As a basis for this request, counsel correctly states that prior counsel did not file any pretrial motions following the filing of the Superseding Indictment and argues that "pretrial motions are necessary in regard to the Superseding Indictment." (*Id.*). Counsel further

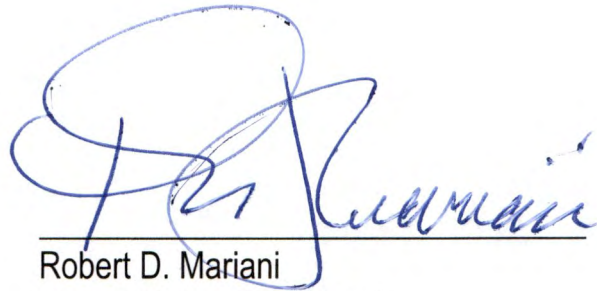
states that the Government concurs in the motion “in regard to the torture charge which was added in the Superseding Indictment.” (*Id.*).

The present action has now been pending for over four years, with both the Government and Defendants repeatedly requesting extensions of time for the filing of motions and briefs and for the continuance of trial. The Court’s last trial order, rescheduling trial to commence on February 6, 2023 (Doc. 150), was done with the express representation by counsel that there would be no further requests for continuances of the trial date and that the date ordered by the Court would be a date certain. Nonetheless, the Court recognizes that Defendants are now represented by new counsel who have requested the opportunity to file pre-trial motions, limited to the new allegations set forth in the Superseding Indictment filed on February 15, 2022, and that these new allegations have never been subject to any pretrial motion practice. As a result, in the interests of justice and fairness, the Court will grant Defendants’ motion for an extension of time, but as modified, so as not to delay the February 6, 2023 commencement of trial.

ACCORDINGLY, THIS 17TH DAY OF AUGUST, 2022, IT IS HEREBY ORDERED THAT Defendants’ Motion for Leave to File Pretrial Motions (Doc. 154) is GRANTED AS MODIFIED:

1. All pretrial motions, limited to the new claims and allegations set forth in the Superseding Indictment, shall be filed no later than **September 19, 2022**.

2. Because the Court finds that the ends of justice will be served by granting a continuance of the pre-trial motion deadline and that such a continuation outweighs the best interests of the public and the Defendants in a speedy trial, any delay occasioned by this continuance shall be excluded from the speedy trial calculation pursuant to 18 U.S.C. § 3161(h)(7).

A handwritten signature in blue ink, appearing to read "R. Mariani", is written over a horizontal line.

Robert D. Mariani
United States District Judge